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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/623,100 | 07/22/2003 | Douglas Walker | 034017R011 | 4586 |
| 441 | 7590 | 01/30/2006 | EXAMINER | |
| SMITH, GAMBRELL & RUSSELL, LLP 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036 | | | WEEKS, GLORIA R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3721 | |
| DATE MAILED: 01/30/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/623,100 | Applicant(s) WALKER ET AL. | |
| | Examiner Gloria R. Weeks | Art Unit 3721 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 20-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/31/04, 10/04/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Election/Restrictions

1. Claims 20-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 20, 2005.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 2-3 and 11-13 make reference to an "insert head"; claims 3-4 and 11 make reference to "positioning members"; and claims 4-5, 11 and 13 make reference to a "pair of shoes" none of which are described in the specification.

Claim Rejections - 35 USC § 112

3. Claims 2-6 and 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said edge seal support" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the electrically conductive housing" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the nip roller set" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the support" in line 4. There is insufficient antecedent basis for this limitation in the claim as Examiner is not sure as to whether the Applicant is referring to the wire support are a support for the entire edge seal assembly.

Claim 13 recites the limitation "said head insert" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 14 and 15 recite the limitation "TCR" in line 3. Although the specification has disclosed a meaning of this abbreviation, Applicant is required to specifically identify the meaning of this abbreviation within the claim as TCR could stand for a number of values.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 7, 9, 12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sperry et al. (USPN 6,598,373).

With respect to claims 1-3 and 7, Sperry et al. discloses an edge seal assembly comprising: an edge wire (66); and edge wire support (52) including an insert head (68, 70) received by a housing (54); a nip roller set with a first roller member (64) attached to a rotating roller component, wherein the first roller (64) is free to rotate relative to a bearing sleeve (62); the bearing sleeve (62) of the edge wire (66) which receives a driving member (96) of a film driving mechanism such that the edge wire support (52) retains an edge seal position while the driving member (96) rotates within the sleeve.

In reference to claims 1 and 9, Sperry et al. discloses an edge seal assembly comprising: an edge wire (66); and edge wire support (68, 70): a base block (52) and a housing (54) releasably secured (as it is movable) to the base block (52), wherein the block (52) and the housing (54) have a cavity for receiving a driving member (96); and a bearing sleeve (62) which receives the driving member (96) of a film driving mechanism such that the edge wire support (52) retains an edge seal position while the driving member (96) rotates within the sleeve.

Regarding claim 12, Sperry et al. discloses an edge seal assembly comprising an edge wire (66); an edge seal support including an insert head (54, 68, 70) slidably supported on a guide pin (92) and received by a housing (52); and a bearing sleeve (62) which receives a driving member (96) of a film driving mechanism such that the edge wire support (52) retains an edge seal position while the driving member (96) rotates within the sleeve.

6. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Salerno et al. (USPN 5,942,076).

In reference to claim 19, Salerno et al. discloses an edge seal assembly comprising: an edge seal heater element (152); a support for the edge seal heater element (150); and a control system in electrical communication with the heater element (152), the control system (column 5 lines 15-19, 25-31, 45-59) including means for comparing resistance levels at a current temperature and comparing with a TCR value reference.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

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matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5 and 16-18 are rejected under 35 U.S.C. 103(a) as being obvious over Sperry et al. (USPN 6,598,373).

With respect to claim 4, Sperry et al. discloses side positioning member (92) including a pair of shoes (larger diameter portion on ends), but does not disclose whether the shoes are releasably secured to the insulating housing (54). Since Sperry et al. discloses that the housing (54) is movable along slot (94) in which the positioning members are received, it would have been obvious to one having ordinary skill in the art to make the shoes of the positioning members releasable for the purpose of locking the housing (54) in various positions.

In reference to claim 5, Sperry et al. is silent to the material by which the shoes are formed and their electrical conductivity. It would have been obvious to make the shoes from metal, which is a known electrical conductive material, since Examiner takes Official Notice that it is known to form retaining pins from metal for the purpose of reducing cost in the manufacturing of the shoes.

Regarding claims 16-18, Sperry et al. discloses an edge seal assembly comprising: an edge seal heater wire (66); a sleeve (62); an edge seal support (52) fixed to the sleeve (62) and supporting the edge seal heater wire (66); and a roller (64) slidably received on the sleeve (62). While Sperry et al. does not disclose whether the sleeve (62) supports a roller bearing, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the sleeve (62) to the rotating drive means (96) via a roller bearing since Examiner takes Official Notice mounting rollers with roller bearings is well known in the art for the purpose of controlling the rotation of the roller about a drive means.

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9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sperry et al. (USPN 6,598,373) in view of Gianelli (GB 2 291 620).

In reference to claim 14, Sperry et al. discloses an edge seal assembly including a wire, but does not disclose the Temperature Coefficient Resistance (TCR) value of the wire. Gianelli teaches the knowledge in the art of heat sealing bars or wires (page 5 lines 30-32) and the relationship of their Temperature Coefficient Resistance (TCR) values (page 9 lines 1-17; page 10 lines 23-29) based on the material of the sealing wire, wherein wires formed from materials having a lower TCR value require less time to adjust in temperature. It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the wire of Sperry et al. to a wire having Applicant's claimed TCR value, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gianelli (GB 2 291 620).

Regarding claim 15, Gianelli discloses the knowledge of the art with respect to heat sealing bars or wires (page 5 lines 30-32) and the relationship of their Temperature Coefficient Resistance (TCR) values (page 9 lines 1-17; page 10 lines 23-29) based on the material of the sealing wire, wherein wires formed from materials having a lower TCR value require less time to adjust in temperature. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a material having Applicant's claimed TCR value, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Allowable Subject Matter

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11. Claims 6, 8, 10, 11 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

With respect to claim 6, the following is a statement of reasons for the indication of allowable subject matter: The art of record considered as a whole, alone or in combination, neither anticipates nor renders obvious an edge seal assembly comprising an edge wire; an edge seal support; and a roller bearing sleeve fixed to the edge seal support, the sleeve including an intermediate slot dimensioned for receipt of an electrically conductive housing, wherein the bearing sleeve receives a driving member of a film driving mechanism thereby allowing the edge wire support to maintain a stationary position while the driving member rotates within the roller bearing sleeve, ensuring proper positioning of the edge wire.

Regarding claim 8, the following is a statement of reasons for the indication of allowable subject matter: The art of record considered as a whole, alone or in combination, neither anticipates nor renders obvious an edge seal assembly comprising an edge wire; an edge seal support; a nip roller set with a first roller member and a second roller member attached attached to a rotating roller component, wherein the first roller member and the second roller member are free to rotate relative to a bearing sleeve; the bearing sleeve fixed to the edge seal support, wherein the bearing sleeve receives a driving member of a film driving mechanism thereby allowing the edge wire support to maintain a stationary position while the driving member rotates within the roller bearing sleeve, ensuring proper positioning of the edge wire.

In reference to claims 10 and 11, the following is a statement of reasons for the indication of allowable subject matter: The art of record considered as a whole, alone or in combination, neither anticipates nor renders obvious an edge seal assembly comprising an edge wire; an edge seal support

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including a base block and a housing releasably secured to the base block by electrical conductor extensions; and a bearing sleeve that receives a driving member of a film driving mechanism thereby allowing the edge wire support to maintain a stationary position while the driving member rotates within the roller bearing sleeve, ensuring proper positioning of the edge wire.

Regarding claim 13, the following is a statement of reasons for the indication of allowable subject matter: The art of record considered as a whole, alone or in combination, neither anticipates nor renders obvious an edge seal assembly comprising an edge wire; an edge seal support including a housing receiving a pair of releasable shoes formed of a conductive material and a head insert including an upper wire portion and two conduction side extensions of the upper wire portion which are placed in electrical communication with the shoes; and a bearing sleeve that receives a driving member of a film driving mechanism thereby allowing the edge wire support to maintain a stationary position while the driving member rotates within the roller bearing sleeve, ensuring proper positioning of the edge wire.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R. Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on 8:30 am - 7:00 pm Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

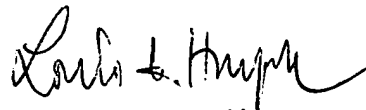
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



grw

January 24, 2006

Gloria R Weeks
Examiner
Art Unit 3721



LOUIS K. HUYNH
PRIMARY EXAMINER